RSEB & Anr. vs. Smt. Salma & Ors.

SB Civil 1st Appeal No.117/1987

Date of Judgment: 26th February, 2007.

PRESENT

HON'BLE MR.JUSTICE BHAGWATI PRASAD

Mr.Manish Shishodia for the appellant/s.
Mr.V.N.Kalla for the respondent/s.

Heard learned counsel for the parties.

The present appeal has been filed by the appellants against the judgment dated 03.08.1987 passed by the District Judge, Merta in Land acquisition Reference No.30/1983.

Brief facts of the case are that the State Government (Electric Department) issued Notification dated 26.09.1978 under Section 4(1) of the Rajasthan Land Acquisition Act, 1953 (hereinafter referred to as 'the Act') for acquiring the land measuring 34 bighas and 16 biswas for construction of 132 KV Grid Sub-station at Merta City. Thereafter, notice under Section 9(1)of the Act was issued. The claimants khatedars and other interested persons filed their

claims claiming nearly Rs.3,000/- per bigha as compensation and the claimants also claimed compensation for their standing crops.

The appellants filed separate replies in all the claims and denied the claim in respect of standing crops and further specifically stated that the market value of the acquired land at the relevant time was not more than Rs.800 per bigha.

Both the parties to the claim led oral as well as documentary evidence and after hearing both the parties, the Land Acquisition Officer (SDO, Merta), awarded Rs.5,290/- to Mohan , Rs.6,025/- to Chhoga and Budha , Rs.18, 060/- to Puna, Rs. 20,220/- to Sugna, Rs.16, 485/- to Smt.Salma, Rs.5,190/- to Narendra Kumar and Shyam Sunder and Rs.2,500/- to Jatan Raj by his award dated 18.03.1983.

Being aggrieved by the award dated 18.03.1983 the appellant Board filed an application under Section 18 of the Act before District Judge, Merta.

The District Judge, Merta, after hearing both the parties, dismissed the reference on 03.08.1987 and upheld the award dated

18.03.1983 passed by the learned SDO, Merta. Hence, this first appeal.

Learned counsel for the appellants vehemently submitted that the learned District Judge has committed serious error of law in holding the market rate of the acquired land at Rs.2,100/- in respect of Smt.Salma and Rs. 2,000/- in respect of other claimants. In this regard, the appellants produced sale deed Exhibits 4 to 10, which clearly show that the market value of the land in question was Rs.800/- per bigha and same sale deeds were proved by Rajendra Mishra, (Sub-Registrar), who had said that the same were registered by him. It was further contended by the learned counsel for the appellant that the learned District Judge has erred in awarding compensation in respect of the standing crops. It was clearly on record that the claimants had relinquished this claim by entering into a compromise with the appellants. Further, Smt.Salma and Issaq Mohd. even failed to prove their claim for the standing crop. The learned District Judge further erred in holding that the cost of Jeera was Rs.1,100/- per quintal but neither the market rate of Jeera nor of wheat has been proved.

Learned counsel for the respondents while supporting the

impugned award submitted that the learned SDO and the learned District Judge have not committed any error in passing the impugned award.

I have considered the rival submissions and perused the record of the case as also the impugned judgment and award.

The arguments raised by the learned counsel for the appellants are not sustainable for the reason that the sale deed Ex.4 to Ex.10 does not show the type of land i.e. whether it was irrigated or non-irrigated ? Therefore, the learned court below rightly determined the market value on the basis of the evidence produced by the claimants wherein the land was shown to be irrigated land . It used to yield two crops Thus there is a clear difference noticeable in the quality of lands in question and the land which has been put up as defence by appellant. Further, statement of Sugan Chand (appellants' witness) is also not reliable in respect of the market value of the acquired land.

I have perused the compromise entered into between the claimants and the appellants in respect of standing crop. A perusal of the compromise would show that the claimants have relinquished

their claim in respect of the standing crops where pits were not dug but in respect of the area, where pits were dig, they specifically submitted that the claim shall continue. Therefore, the learned court below was right in awarding the compensation for standing crops in respect of the land where pits were dug, they specifically submitted that the claim shall continue. Therefore, the learned court below was right in awarding the compensation for standing crops in respect of the land where pits were dug.

The learned court below was right in determining the market rate of Jeera as Rs.1,100/- per quintal.

Having gone through the reasons assigned by the learned court below , I do not find any illegality for interfering in the impugned judgment.

In view of the above discussion, this appeal having no force, is hereby dismissed with no order as to cots.

(BHAGWATI PRASAD), J.